

**SUPREME COURT MINUTES  
WEDNESDAY, OCTOBER 1, 2003  
SAN FRANCISCO, CALIFORNIA**

**S016719** PEOPLE v. YEOMAN (RALPH MICHAEL)  
Rehearing denied

**S040575** PEOPLE v. MARKS (DELANEY G.)  
Rehearing denied

**S117590** BARRATT AMERICAN INC. v. RANCHO  
E032578 CUCAMONGA, CITY OF  
Fourth Appellate District, Division Two  
Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S117640** KIRKEBY v. S.C. (FASCENELLI)  
G031262 Fourth Appellate District, Division Three  
Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S117816** MARINA, CITY OF v. BOARD OF TRUSTEES,  
H023158 CALIFORNIA STATE UNIVERSITY  
Sixth Appellate District  
Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S117879** PEOPLE v. CHACON  
F038393 Fifth Appellate District  
Petition for review granted

In addition to the issue raised in the petition for review, the parties are directed to brief and argue the following issue: Does a trial court's discretion to order a juvenile disposition under Penal Code section 1170.19, subdivision (a)(4), apply in a case in which a state prison sentence is mandated by the provisions of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)) and, if so, does the requirement under

Penal Code section 1170.19, subdivision (a)(4), to obtain the prosecutor's consent violate the separation of powers doctrine?

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S118034**

A095055 First Appellate District,  
Division Four

PEOPLE v. ROBERTSON  
Petitions for review granted

The issue to be briefed and argued is limited to the following: Does the merger doctrine as refined in *People v. Hansen* (1994) 9 Cal.4th 300 preclude use of discharge of a firearm in a grossly negligent manner (§ 246.3) as the predicate crime for purposes of second-degree felony murder? Assuming so, did the Court of Appeal properly conclude the instructional error was harmless?

Votes: George, C.J., Baxter, Chin and Brown, JJ.

**S118052**

F037501 Fifth Appellate District

PEOPLE v. THOMAS  
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S118450**

B159333 Second Appellate District,  
Division Seven

LONG BEACH, CITY OF v. DEPARTMENT OF  
INDUSTRIAL RELATIONS  
Petition for review granted

Request for judicial notice denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S099667**

A091884 First Appellate District,  
Division Five

AGUILAR v. LERNER  
Issues ordered limited

The issues before this court are to be limited to:  
(1) Whether California's Mandatory Fee

Arbitration (MFA) statutes preempt a binding attorney fee arbitration clause in an attorney-client fee agreement entered into before a dispute arose between the attorney and client. (2) Whether a client may waive his right to a trial de novo after arbitration by prospectively agreeing to binding arbitration of an attorney-client fee dispute before the fee dispute arises. (3) Whether a client is estopped from asserting a right under the MFA not to be bound by a predispute arbitration agreement because he filed a malpractice action against the attorney and consistently maintained that he did not want arbitration. The parties are to limit their oral argument to those issues.

**S117778**

C036614 Third Appellate District  
C037039

**PEOPLE v. VALDEZ**

Review granted/briefing deferred (rule 29.1)

Respondent Attorney General's and appellant Valdez's petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Taylor*, S112443 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant Peraza's petition for review DENIED.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown and Moreno, JJ.

**S117302**

C044093 Third Appellate District

**WOLFE v. SACRAMENTO COUNTY BAR ASSN.**  
Petition for review denied

**S117552**

E033974 Fourth Appellate District,  
Division Two

**HELMUTH (SHAWN DARYL) ON H.C.**  
Petition for review denied

**S117577**

A103110 First Appellate District,  
Division Two

ELLINGTON (MARCUS R.) ON H.C.  
Petition for review denied

**S117645**

H023589 Sixth Appellate District

ATKINSON v. ELK CORPORATION  
Petition for review & depublication request denied

Kennard and Chin, JJ., are of the opinion the  
petition should be granted.

**S117646**

D039112 Fourth Appellate District,  
Division One

CITY OF CARLSBAD v. RUDVALIS  
Petition for review denied

**S117700**

B152610 Second Appellate District,  
Division Three

CANTON POULTRY & DELI v. STOCKWELL,  
HARRIS, WIDOM & WOLVERTON  
Petition for review & depublication requests denied

Kennard, J., is of the opinion the petition should  
be granted.

**S117744**

WAREMART FOODS dba WINCO FOODS INC. v.  
NATL. LABOR RELATIONS BD. (UNITED FOOD)  
Request for certification denied

The request, made pursuant to California Rules  
of Court, rule 29.8, that this court decide a  
question of California law presented in a matter  
pending in the District of Columbia Circuit  
Court, is denied.

Kennard and Brown, JJ., are of the opinion the  
request should be granted.

**S117799**

H023399 Sixth Appellate District

PEOPLE v. RIVERA  
Petition for review denied

Kennard and Brown, JJ., are of the opinion the  
petition should be granted.

**S117882**

F038205 Fifth Appellate District  
F038295  
F038296

PEOPLE v. PADILLA  
Petitions for review denied

**S117937**

A103254 First Appellate District,  
Division Four

IMPORT MOTORS v. S.C. (DEVLIN)  
Petition for review denied

**S117958**

A102907 First Appellate District,  
Division Three

BANK OF AMERICA v. S.C. (MILLER)  
Petition for review denied

Chin, J., was recused and did not participate.

**S117970**

D038215 Fourth Appellate District,  
Division One

PEOPLE v. BOTTOMLEY  
Petition for review denied

**S117984**

E031878 Fourth Appellate District,  
Division Two

NEWTON v. CLEMONS (COUNTY OF SAN  
BERNARDINO)  
Petition for review denied

**S118056**

A094398 First Appellate District,  
A095856 Division Three  
A098362

MCCUBBREY, BARTELS & WARD v. D'AMATO &  
LYNCH

Petition for review denied

**S118072**

G028236 Fourth Appellate District,  
Division Three

PEOPLE v. RODRIGUEZ  
Petition for review denied

Baxter, J., is of the opinion the petition should  
be granted.

**S118082**

B159231 Second Appellate District,  
Division Two

GOMEZ v. INTO FENCING COMPANY INC.  
Petition for review & publication requests denied

Kennard, J., is of the opinion the petition should  
be granted.

**S118092**

F040659 Fifth Appellate District

PEOPLE v. RANGEL

Petition for review denied

**S118127**B168623 Second Appellate District,  
Division Three

BOHBOT v. S.C. (FOERSTER)

Petition for review denied

**S118129**G028242 Fourth Appellate District,  
Division One

PEOPLE v. TOVAR

Petition for review denied

**S118148**B161477 Second Appellate District,  
Division Four

LIEBERMAN v. KCOP TELEVISION INC.

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S118168**B153765 Second Appellate District,  
Division One

PEOPLE v. GONZALES

Petition for review denied

**S118171**

C044473 Third Appellate District

ALLEN LUND COMPANY v. S.C. (MONTANO)

Petition for review denied

**S118177**G032286 Fourth Appellate District,  
Division Three

SILVER v. S.C. (MILLER)

Petition for review denied

**S118185**B158904 Second Appellate District,  
Division Four

HURVITZ v. ST. PAUL FIRE &amp; MARINE INS. CO.

Petition for review denied

**S118203**B160722 Second Appellate District,  
Division One

PEOPLE v. ZAVALA

Petition for review denied

**S118209**G031481 Fourth Appellate District,  
Division Three

G. (MICHAEL), IN RE

Petition for review denied

**S118214**

B162522 Second Appellate District,  
B165791 Division One

## PEOPLE v. HISTON

Petition for review denied

**S118220**

B156022 Second Appellate District,  
Division Eight

## CAMERON v. FIRSTAR BANK

Petition for review denied

**S118231**

F042768 Fifth Appellate District

## APPLIED CONCEPTS INC. v. S.C. (BERGER)

Petition for review denied

**S118271**

C041002 Third Appellate District

## PEOPLE v. SANDLEY

Petition for review denied

**S118308**

H022186 Sixth Appellate District

## PEOPLE v. HUGHES

Petition for review denied

**S118312**

G032334 Fourth Appellate District,  
Division Three

## MILLER v. SILVER

Petition for review denied

**S118327**

E032660 Fourth Appellate District,  
Division Two

ALBRECHT v. TEMECULA VALLEY RV SERVICE  
INC. (ALBRECHT)

Petition for review denied

**S118340**

H022229 Third Appellate District

## PEOPLE v. JOSEPH

Petition for review denied

**S118341**

D038857 Fourth Appellate District,  
Division One

## PEOPLE v. HALL

Petitions for review denied

**S118346**

B160769 Second Appellate District,  
B163880 Division Three

## PEOPLE v. PORTER

Petition for review denied

**S118348**

E031900 Fourth Appellate District,  
Division Two

KANIAN v. FONTANA, CITY OF  
Petition for review denied

**S118361**

F040049 Fifth Appellate District

PEOPLE v. BROWN  
Petitions for review denied

**S118376**

B158189 Second Appellate District,  
Division Five

WATSON v. WATSON  
Petition for review denied

**S118410**

B159077 Second Appellate District,  
Division Four

PEOPLE v. JEFFRIES  
Petition for review denied

**S118415**

F037618 Fifth Appellate District

W., (M.) v. PANAMA BUENA VISTA UNION SCH.  
Petition for review denied

Baxter, Chin and Brown, JJ., are of the opinion  
the petition should be granted.

**S118416**

C041065 Third Appellate District

PEOPLE v. RANGER INSURANCE CO.  
Petition for review denied

**S118430**

B168592 Second Appellate District,  
Division Five

BEATTIE v. S.C. (PEOPLE)  
Petition for review denied

**S118436**

A103513 First Appellate District,  
Division Four

TU v. S.C. (PEOPLE)  
Petition for review denied

**S118441**

F041185 Fifth Appellate District

PEOPLE v. MARTIN  
Petition for review denied

**S118444**

B163761 Second Appellate District,  
Division Four

PEOPLE v. EZELL  
Petition for review denied



**S118445**

E032240 Fourth Appellate District,  
Division Two

PEOPLE v. ISIAH

Petition for review denied

**S118447**

C040342 Third Appellate District

PEOPLE v. LUNA

Petition for review denied

**S118454**

B162923 Second Appellate District,  
Division Eight

PEOPLE v. CHACHAVA

Petition for review denied

**S118463**

F041767 Fifth Appellate District

M. (JONIE), IN RE

Petition for review denied

**S118477**

A099312 First Appellate District,  
Division Two

PAXTON v. GILLER

Petition for review denied

**S118487**

B159384 Second Appellate District,  
Division One

PEOPLE v. SIERRA

Petition for review denied

**S118493**

B161789 Second Appellate District,  
Division Six

PEOPLE v. PUPICH

Petition for review denied

**S118502**

B161010 Second Appellate District,  
Division Five

PEOPLE v. ATKINS

Petition for review denied

**S118505**

B159618 Second Appellate District,  
Division Four

PEOPLE v. MAIDEN

Petition for review denied

**S118506**

E031613 Fourth Appellate District,  
Division Two

PEOPLE v. CHANNING

Petition for review denied

**S118508**

D039528 Fourth Appellate District,  
Division One

POSTAL ANNEX + INC. v. CORK  
Petition for review denied

**S118509**

F041891 Fifth Appellate District

W., (CARRIE), IN RE  
Petition for review denied

**S118512**

C040210 Third Appellate District

PEOPLE v. MCRORIE  
Petition for review denied

**S118517**

D041598 Fourth Appellate District,  
Division One

T. (DEVIN), IN RE  
Petitions for review denied

**S118522**

B158353 Second Appellate District,  
Division Four

PEOPLE v. WILLIAMS  
Petition for review denied

**S118525**

A099759 First Appellate District,  
Division Four

PEOPLE v. CRIMS  
Petition for review denied

**S118528**

B144015 Second Appellate District,  
Division Two

PEOPLE v. CLARDY  
Petition for review denied

**S118529**

B156749 Second Appellate District,  
Division Six

PEOPLE v. LOMAKO  
Petition for review denied

**S118538**

C040834 Third Appellate District

PEOPLE v. SOTO  
Petition for review denied

**S118541**

B153966 Second Appellate District,  
Division Three

LANE v. GASKET HOLDINGS, INC.  
Petition for review denied

The motion for calendar preference is denied.

**S118544**

A098640 First Appellate District,  
Division Three

PEOPLE v. MARCIEL

Petition for review denied

**S118550**

B157865 Second Appellate District,  
Division Three

PEOPLE v. BROWN

Petition for review denied

**S118552**

B160382 Second Appellate District,  
Division Six

PEOPLE v. PRIETO

Petition for review denied

**S118553**

B157618 Second Appellate District,  
Division One

PEOPLE v. MORAGA

Petition for review denied

**S118555**

B163457 Second Appellate District,  
Division Six

PEOPLE v. HAKIM

Petition for review denied

**S118559**

H023393 Sixth Appellate District

PEOPLE v. BURNETT

Petition for review denied

**S118560**

B159221 Second Appellate District,  
Division Seven

PEOPLE v. VALENCIA

Petition for review denied

**S118562**

C042041 Sixth Appellate District

PEOPLE v. JEFFERSON

Petition for review denied

**S118567**

B169349 Second Appellate District,  
Division Seven

ROBERTS v. S.C. (PEOPLE)

Petition for review denied

**S118584**

B160062 Second Appellate District,  
Division Eight

PEOPLE v. HOLROYD

Petition for review denied

**S118590**

B169162 Second Appellate District,  
Division Six

DUNN v. S.C. (SANTA BARBARA COUNTY)

Petition for review denied

**S118591**

B164686 Second Appellate District,  
Division Six

LOPEZ v. DEPARTMENT OF INSURANCE

Petition for review denied

**S118592**

F039373 Fifth Appellate District

E. (FRANCISCO), IN RE

Petition for review denied

**S118596**

C042210 Third Appellate District

PEOPLE v. HER

Petition for review denied

**S118597**

B153395 Second Appellate District,  
B156690 Division Two

PENUELA (WILLIAM), CONSERVATORSHIP OF

Petition for review denied

**S118604**

C040387 Third Appellate District

PEOPLE v. MONTELBANO

Petition for review denied

**S118614**

A099374 First Appellate District,  
Division Three

PEOPLE v. RAMIREZ

Petition for review denied

**S118621**

D040720 Fourth Appellate District,  
Division One

J. (JASON), IN RE

Petition for review denied

**S118622**

B158364 Second Appellate District,  
Division Three

CLAY v. ROSSON

Petition for review denied

**S118624**

B161608 Second Appellate District,  
Division One

PEOPLE v. MARTINEZ

Petition for review denied

**S118625**

C040676 Third Appellate District

ROBERTSON FAMILY RANCH v. POTOCHNIK

Petition for review denied

**S118639**B159677 Second Appellate District,  
Division One

PEOPLE v. ESCALANTE

Petition for review denied

**S118641**

H023803 Sixth Appellate District

PEOPLE v. THOMAS

Petition for review denied

**S118643**

C042088 Third Appellate District

PEOPLE v. O'BRYANT

Petition for review denied

**S118682**

C039996 Third Appellate District

PEOPLE v. GULBRONSON

Petition for review denied

**S118703**B162885 Second Appellate District,  
Division Six

GEORGE GALLO &amp; SULLIVAN v. EVANS

Petition for review denied

**S118715**A103518 First Appellate District,  
Division Five

WALTERS (ROBERT KELLY) ON H.C.

Petition for review denied

**S118745**A100993 First Appellate District,  
Division One

HAILE v. CA 1 (MORAN)

Petition for writ of mandate denied

**S118839**B154312 Second Appellate District,  
Division Two

DARIAN v. PASTERNAK

Petition for review and application for stay denied

**S119039**B168539 Second Appellate District,  
B167878 Division Four

BERTHIAUME v. S.C. (SHAW INDUSTRIES)

Petition for review and application for stay denied

<b>S119093</b>	WASHINGTON v. CA 2/2 (PEOPLE) Petition for writ of mandate/prohibition & stay denied
<b>S110824</b>	REYES (MARTIN K.) ON H.C. Petition for writ of habeas corpus denied
<b>S111596</b>	NIBLETT (MARLON A.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S112115</b>	JONES (GREGORY TOMMIE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S112139</b>	EMERSON (SCOTT RAY) ON H.C. Petition for writ of habeas corpus denied
<b>S112766</b>	GAINS (DARRION T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113021</b>	PADILLA (EDWARD G.) ON H.C. Petition for writ of habeas corpus denied
<b>S113173</b>	ORNELAS (MIGUEL) ON H.C. Petition for writ of habeas corpus denied
<b>S113192</b>	ELDRIDGE (HARRY L.) ON H.C. Petition for writ of habeas corpus denied
<b>S113197</b>	WALKER (TORRIANO L.) ON H.C. Petition for writ of habeas corpus denied
<b>S113242</b>	MALLETT (JAMES E.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113281</b>	MCKINNEY (DEWAIN L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

**S113341**

SYKES (HABIBALLAH) ON H.C.  
Petition for writ of habeas corpus denied

**S113342**

LANCASTER (DAVID GENE) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

**S113344**

RAMOS (FRANCISCO) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

**S113381**

GAUT (WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

**S113419**

LOUTZENHISER (PAUL D.) ON H.C.  
Petition for writ of habeas corpus denied

**S113493**

GANN (JOHN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113541**

LACEY (RICKEY LENIER) ON H.C.  
Petition for writ of habeas corpus denied

**S113547**

KROUPA (JAMES M.) ON H.C.  
Petition for writ of habeas corpus denied

**S113557**

JAMES (MARVIN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113568**

NGUYEN (HO) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113569**

ELAM (RONALD) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

<b>S113586</b>	MARTINEZ (SAMUEL) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113588</b>	TAPIA (BERNARDO R.) ON H.C. Petition for writ of habeas corpus denied
<b>S113590</b>	JOHNSON (EDDIE L.) H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113594</b>	SASSON (MATHEW) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113614</b>	ZHENG (EDDIE) ON H.C. Petition for writ of habeas corpus denied
<b>S113626</b>	TORRES (RENE M.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113644</b>	CORONA (OSCAR) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113663</b>	DACKERMAN (SCOTT W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113669</b>	ROBINSON (LOREN) ON H.C. Petition for writ of habeas corpus denied
<b>S113670</b>	BIRCH (CRAIG) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113711</b>	KEMP (RAY ALLEN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113750</b>	DARDEN (TELESFORO) ON H.C. Petition for writ of habeas corpus denied



<b>S113766</b>	ASTON (DANIEL JOSEPH) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113770</b>	HAMILTON (PAUL C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113771</b>	OLIVARES (ANGEL), ON H.C. Petition for writ of habeas corpus denied
<b>S113772</b>	CORONADO (ISAAC M.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113778</b>	GRAYSON (TERRENCE L.) ON H.C. Petition for writ of habeas corpus denied
<b>S113782</b>	JARVIS (KEVIN) ON H.C. Petition for writ of habeas corpus denied
<b>S113783</b>	MAYS (DEWAYNE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113784</b>	RICHARDSON (SAMUEL T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113816</b>	SOTELO (ERNEST K.) ON H.C. Petition for writ of habeas corpus denied
<b>S113820</b>	REY (ANDREW M.) ON H.C. Petition for writ of habeas corpus denied
<b>S113828</b>	NAVARRO (JOEL C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113858</b>	HAGEN (ARNOLD) L. ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S113871</b>	SPENCE (GERALD) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113880</b>	JOHNSON (ARCHIE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113882</b>	LOPEZ (DANIEL ORTIZ) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113895</b>	EDWARDS (FLOYD) ON H.C. Petition for writ of habeas corpus denied
<b>S113897</b>	ESTALA (FRANCISCO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113899</b>	PARKER (EDWARD) ON H.C. Petition for writ of habeas corpus denied
<b>S113906</b>	HOLT (LARRY D.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113924</b>	KECHECHYAN (ARUTYAN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113927</b>	ROBINSON (CORVETTE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S113940</b>	FARMER (GARY) H.C. Petition for writ of habeas corpus denied
<b>S113973</b>	MACKSON (JONATHAN L.) ON H.C. Petition for writ of habeas corpus denied
<b>S114432</b>	OLECIK (DENNIS DAVID) ON H.C. Petition for writ of habeas corpus denied

**S114757**

ZHENG (EDDIE) ON H.C.  
Petition for writ of habeas corpus denied

**S114758**

ZHENG (EDDIE) ON H.C.  
Petition for writ of habeas corpus denied

**S115240**

TODD (WILLIAM L.) ON H.C.  
Petition for writ of habeas corpus denied

**S116254**

SCALLY (STEPHEN) ON H.C.  
Petition for writ of habeas corpus denied

**S116255**

PAGE (SAMMY L.) ON H.C.  
Petition for writ of habeas corpus denied

**S116436**

PAGE (SAMMY L.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S116480**

MCCARTHY (MICHAEL H.) ON H.C.  
Petition for writ of habeas corpus denied

**S116548**

MORENO (ISIDRO) ON H.C.  
Petition for writ of habeas corpus denied

**S116556**

SANTOS (ERNIE J.) ON H.C.  
Petition for writ of habeas corpus denied

**S116711**

JAMES (MARVIN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S118009**

COLLINS (ALONZO L.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

for lack of diligence (*In re Robbins* (1998) 18  
Cal.4th 770, 780) and on the merits.

<b>S118016</b>	MARTINEZ (VICTOR) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118432</b>	GARDNER-MYLES (LANORIS) ON H.C. Petition for writ of habeas corpus denied
<b>S118443</b>	JOSEPH (DARREN A.) ON H.C. Petition for writ of habeas corpus denied
<b>S118654</b>	MORGAN (JONATHAN) ON H.C. Petition for writ of habeas corpus denied
<b>S118720</b>	STAPLETON (LUTHER D.) ON H.C. Petition for writ of habeas corpus denied
<b>S118825</b>	ALVES (BRENT) ON H.C. Petition for writ of habeas corpus denied
<b>S118833</b>	FITZHUGH (RICHARD) ON H.C. Petition for writ of habeas corpus denied
<b>S118854</b>	MARTINEZ (VICTOR) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S118949</b>	FORD (ISAAC) ON H.C. Petition for writ of habeas corpus denied
<b>S118956</b>	JONES (OSCAR W.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S119003</b>	WILLIAMS (KEITH) ON H.C. Petition for writ of habeas corpus denied
<b>S119174</b>	WASHINGTON (FRANKIE K.) ON H.C. Petition for writ of habeas corpus denied with citation(s)

**S113405**

A097316 First Appellate District,  
Division One

WALSH v. TRUCK INSURANCE EXCHANGE  
Publication request denied (case closed)

**S117612**

B161510 Second Appellate District,  
Division Eight

C.L.P.A., INC. v. CITY OF LOS ANGELES  
Publication request denied (case closed)

**S117689**

G032400 Fourth Appellate District,  
Division Three

EAKIN v. S.C. (TUSTIN POLICE DEPARTMENT)  
Publication requests denied (case closed)

**S118184**

F042336 Fifth Appellate District

W. (JOSEPH), IN RE  
Publication request denied (case closed)

**S118519**

B161552 Second Appellate District,  
Division Six

BUDGERY v. LORILLARD TOBACCO COMPANY  
Publication request denied (case closed)

**S118612**

B055519 Second Appellate District,  
Division Three

PEOPLE v. MCDONALD  
Publication request denied (case closed)

**S118688**

H024286 Sixth Appellate District

WATT v. SARATOGA CAPITAL INC.  
Publication request denied (case closed)

**S015008**

PEOPLE v. SCHMECK (MARK L.)  
Extension of time granted

to 11/12/2003 to file respondent's brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Violet M. Lee's representation that she anticipates filing that brief by 11/9/2003.

**S027264**

PEOPLE v. FRIEND (JACK W.)

Extension of time granted

to December 2/2003 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorneys or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S042698**

PEOPLE v. JURADO (ROBERT)

Extension of time granted

to December 8, 2003 to file respondent's brief. After that date, only two further extensions totaling 80 additional days are contemplated. Extension is granted based upon Deputy Attorney General Larissa Karpovics Hendren's representation that she anticipates filing that brief by 2/28/2004.

**S045184**

PEOPLE v. BONILLA (STEVEN W.)

Extension of time granted

to December 1, 2003 to file respondent's brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Bruce Ortega's representation that he anticipates filing that brief by 11/29/2003.

**S045982**

PEOPLE v. AVILA (JOHNNY, JR.)

Extension of time granted

to October 15, 2003 to file respondent's brief. Extension is granted based upon Supervising Deputy Attorney General Louis M. Vasquez's representation that he anticipates filing that brief by 10/15/2003. After that date, no further extension will be granted.

**S112862**

B152928 Second Appellate District,  
Division One

GRAHAM v. DAIMLERCHRYSLER

Extension of time granted

On application of amicus curiae Los Angeles County Bar Association and good cause appearing, it is ordered that the time to serve and file its amicus curiae brief in support of respondents Robert Graham et al. herein is extended to and including November 10, 2003. An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

**S115061**

CLARK (DOUGLAS DANIEL) ON H.C.

Extension of time granted

to October 29, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Michael S. Magnuson's representation that he anticipates filing that document by 10/29/2003. After that date, no further extension will be granted.

**S117032**

POLLOCK (MILTON RAY) ON H.C.

Extension of time granted

to October 27, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 50 additional days are contemplated. Extension is granted based upon Deputy Attorney General Linda M. Murphy's representation that she anticipates filing that document by 12/15/2003.

**S117838**

BROWN (PAUL MADISON) ON H.C.

Extension of time granted

to November 3, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days will be

granted. Extension is granted based upon Deputy Attorney General Douglas L. Wilson's representation that he anticipates filing that document by 11/30/2003.

**S117568**

B153072 Second Appellate District,  
Division Seven

**PEOPLE v. CARSON**

Counsel appointment order filed

Upon request for appointment of counsel, Chris Redburn is hereby appointed to represent appellant on his appeal now pending before this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of respondent's opening brief on the merits is filed.

**S117651**

B150342 Second Appellate District,  
Division Three

**PEOPLE v. HERNANDEZ & FUENTES**

Counsel appointment orders (2) filed

- (1) Upon request of appellant JOSE PABLO HERNANDEZ for appointment of counsel, Susan Keiser is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

- (2) Upon request of appellant JONATHAN FUENTES for appointment of counsel, Jill Lansing is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.



**S117931**

A098670 First Appellate District,  
Division Three

PEOPLE v. STANCIL et al.

Counsel appointment orders (2) filed

- (1) Upon request of respondent SCOTT BLANE STANCIL for appointment of counsel, Solomon Wollack is hereby appointed to represent respondent on his appeal now pending in this court.
- (2) Upon request of respondent RONALD EMMITT NEWHAUSER for appointment of counsel, Arthur Wong is hereby appointed to represent respondent on his appeal now pending in this court.

**S015008**

PEOPLE v. SCHMECK (MARK L.)

Order filed

The Attorney General's July 3, 2003 "Motion for Copy of Sealed Portions of Record" is granted in part. The clerk is directed to provide copies of the following portions of the record to the Attorney General: Clerk's Transcript pages 983-985, 987-1013. On the court's own motion, the clerk is further directed to unseal the original portions of the record cited above. The remainder of the motion is denied.

**S064769**

PEOPLE v. HAWTHORNE (CARLOS A.)

Motion denied

Appellant's "Motion to Settle the Record on Appeal," filed on September 15, 2003, is denied.

**S107844**

REILLY (MARK ANTHONY) ON H.C.

Request for judicial notice granted

The request for judicial notice, filed with this court on June 26, 2002, is granted.

**S117527**

RULE 962 SUSPENSION  
Order filed

The suspension of **Bernard Paul Kenneally** pursuant to our order filed on July 17, 2003, is hereby terminated.  
This order is final forthwith.

**S091756**

GORMAN ON DISCIPLINE  
Probation modified

Good cause having been shown, it is hereby ordered that probation is revoked, that the previously ordered stay of execution of suspension in the above entitled matter is lifted, that **ROBERT AARON GORMAN, State Bar No. 176092**, be suspended for one year, that execution of such suspension be stayed, and that Gorman be placed on probation for two years on the conditions recommended by the review department in its opinion filed July 10, 2003, including the condition that Gorman be actually suspended from the practice of law in California for the first 30 days of the period of probation. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

**S117419**

MARMESH ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **BRYAN A. MARMESH, State Bar No. 51106**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing

Department of the State Bar Court in its order approving stipulation filed on May 21, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

**S117420****BARKER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DOUGLAS ALAN BARKER, State Bar No. 166269**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including actual suspension of six months and until his suspension from the practice of law in the State of South Carolina is lifted, whichever date is later, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 16, 2003. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the law, in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination, and provide proof of such passage to the State Bar's Probation Unit in Los Angeles, within one year after the effective date of this order or during the period of his actual suspension, whichever period is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within

30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S117421**

**BARELA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DAVE MICHAEL BARELA, State Bar No. 102601**, be suspended from the practice of law for four years and until he shows proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for four years on conditions, including the condition that he be actually suspended for two years and until he makes restitution to Brad E. Kitchens, D.C. (or the Client Security Fund, if appropriate) in the amount of \$1,500 and furnishes satisfactory proof thereof to the State Bar's Probation Unit in Los Angeles, and until he shows proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is ordered to comply with all conditions of his probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 27, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court and perform the acts specified in paragraphs (a) and (c) of that rule

within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S117424**

**DENTON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **EDWARD EARL DENTON, State Bar Number 202773**, be suspended from the practice of law in the State of California for two years and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of the two-year suspension be stayed; and that he be placed on probation for three years on the conditions of probation, including ninety days' actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 19, 2003. Denton is ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit in Los Angeles within that same year. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, Denton is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar, and one-quarter of the costs shall be added to and become a part of Denton's annual State Bar membership fees for the years 2004, 2005, 2006, and 2007. (Bus. & Prof. Code, § 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S117426

FERRARA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CHRISTOPHER DEAN FERRARA, State Bar Number 61102**, be suspended from the practice of law in the State of California for five years, that execution of the five-year suspension be stayed, and that he be placed on probation for five years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 19, 2003, including the condition that Ferrara be actually suspended from the practice of law in this state for the first 42 months of his probation and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit towards the 42-month period of actual suspension shall be given for the period of Ferrara's interim suspension, which commenced on April 22, 2002. (*In re Young* (1989) 49 Cal.3d 257, 270.) Ferrara is ordered to take and pass the Multistate Professional Responsibility Examination within the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit in Los Angeles within that same period of time. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, Ferrara is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar, and one-third of the costs shall be added to and become a part of Ferrara's annual State Bar membership fees for the years 2004, 2005, and 2006. (Bus. & Prof. Code, § 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S117427

FERRIS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **FRANK JOSEPH FERRIS, State Bar Number 40793**, be suspended from the practice of law in the State of California for nine months, that execution of the nine-month suspension be stayed, and that he be placed on probation for two years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 20, 2003. Ferris is ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and to provide satisfactory proof of his passage of that examination to the State Bar's Probation Unit in Los Angeles within that same year. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar, and one-half of the costs shall be added to and become a part of Ferris's annual State Bar membership fees for the years 2004 and 2005. (Bus. & Prof. Code, § 6086.10.)

S117542

MEYERS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN OWEN MEYERS, III, State Bar No. 57799**, be suspended from the practice of law for three years, the execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 150 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 14, 2003, as modified by its order filed May 28, 2003. If **John Owen Meyers, III's** suspension in case No. S097396 ends prior to the effective date of the discipline imposed herein, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of the rule within 30 and 40 calendar days,

respectively, after the effective date of this order. Costs are awarded to the State Bar in accordance with Business & Professions Code Section 6086.10 and payable in accordance with Business & Professions Code Section 6140.7.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S117543

BARIL ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **CHRISTIAN JAY BARIL, State Bar No. 182695**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on conditions, including the condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is ordered to comply with all conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 27, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination, and provide proof of this passage to the State Bar's Probation Unit in Los Angeles, during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further order to comply with rule 955 of the California Rules of Court and perform the acts specified in paragraphs (a) and (c) of the rule within 30 and 40 days, respectively, after the effective date of this order. Costs are awarded to the State Bar, and one-third of the costs shall be added to and become a part of Baril's membership fees for the years 2004, 2005, and 2006. (Bus & Prof. Code, Sec. 6086.10.)  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)



S117545

BARRON ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **EDWARD DAVID BARRON, State Bar No. 191326**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including restitution recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 9, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2004 and 2005. (Business & Professions Code Section 6086.10.)

S117546

BRIGMAN ON DISCIPLINE  
Recommended discipline imposed: disbarred

It is hereby ordered that **NAOMI SUE BRIGMAN, State Bar No. 182515**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar \*(See Bus. & Prof. Code, § 6126, subd. (c).)

S117547

GUINER ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **STEPHEN FRANCIS GUINER, State Bar No. 44495**, be suspended from the practice of law for six months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice

and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 29, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2004, 2005 and 2006. (Bus. & Prof. Code Section 6086.10.)

**S116848****BURKE ON RESIGNATION**

The voluntary resignation of **JOSEPH ELLIOT BURKE, State Bar No. 25840**, as a member of the State Bar of California is accepted.

**S116849****CLASGENS ON RESIGNATION**

The voluntary resignation of **JOSEPH CLASGENS III, State Bar No. 60333**, as a member of the State Bar of California is accepted.

**S116851****HALLEY ON RESIGNATION**

The voluntary resignation of **MARIAN HALLEY, State Bar No. 75455**, as a member of the State Bar of California is accepted.

**S118573****BIRENBAUM ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **SAM BIRENBAUM, State Bar No. 59147**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding

pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S118748**

**LANDIS ON RESIGNATION**

The voluntary resignation of **VERNA LANDIS, State Bar No. 121697**, as a member of the State Bar of California is accepted.

**S118749**

**BENNETT ON RESIGNATION**

The voluntary resignation of **JOHN HOWARD BENNETT, State Bar No. 139862**, as a member of the State Bar of California is accepted.

**S118752**

**GRAHAM ON RESIGNATION**

The voluntary resignation of **ROBERT JAMES GRAHAM, State Bar No. 40090**, as a member of the State Bar of California is accepted.

**S118753**

**LEE ON RESIGNATION**

The voluntary resignation of **CAROL MON LEE, State Bar No. 61854**, as a member of the State Bar of California is accepted.

**120805-03**

THE HONORABLE IGNAZIO RUVOLO, Associate Justice of the Court of Appeal, First Appellate District, Division Two, is hereby assigned to assist the Supreme Court of California as a justice thereof, on October 1, 2003, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**SUPREME COURT CALENDAR  
SACRAMENTO SESSION  
NOVEMBER 4 and 5, 2003**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on November 4 and 5, 2003.

TUESDAY, NOVEMBER 4, 2003 – 1:00 P.M.

S100360	People v. Posey
S105798	Bonnell v. Medical Board of California
S094467	Shively v. Bozanich
S113433	People v. McCall

WEDNESDAY, NOVEMBER 5, 2003 – 9:00 A.M.

S105508	Estate of Ford
S111323	Saint Agnes Medical Center v. Pacificare of California
S105734	People v. Barragan, et al.

1:30 P.M.

S111253	McDonald v. Gourley
S104995	People v. Toney
S032146	People v. Joseph Danks (Automatic Appeal)

George  
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

